

ABELMANN PETERSON ROLLINS LLLC

LARS PETERSON 8604

OFIR RAVIV 10413

677 Ala Moana Blvd. Ste. 1009, Honolulu, Hawaii 96813

Tel 808.589.1010 Fax 888.797.7471

lars@abelmannlaw.com | ofir@abelmannlaw.com

Attorneys for Debtors DWAYNE K. MENDOZA

and NILA T. MENDOZA

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF HAWAII

In re	)	Case No. 13-01333
	)	(Chapter 7)
DWAYNE K. & NILA T. MENDOZA,)	
)	
Debtors.)	
_____)	
	)	Adversary Proceeding No. 16-90020
CAROLYN P. MENDOZA,)	
)	
Plaintiff,	)	MOTION TO CONTINUE HEARING ON
	)	PLAINTIFF'S MOTION FOR SUMMARY
vs.	)	JUDGMENT; DECLARATION OF
	)	COUNSEL.
DWAYNE K. MENDOZA,)	
	)	Hearing date & time:
Defendant.	)	Date:
	)	Time:
_____	)	Judge: Hon. Robert J. Faris

**MOTION TO CONTINUE HEARING ON PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT.**

Defendant DWAYNE K. MENDOZA, through counsel Abelman Peterson Rollins LLC, pursuant to Fed. R. Bankr. P. 9013 and LBR 9013-1 move this Court to continue the hearings in this adversary proceeding on Plaintiff's Motion for Summary Judgment (MSJ) to permit the hearing on Defendant's Motion to Abstain to be completed before the MSJ response deadline and hearing occur. Defendant respectfully requests to continue the MSJ hearing date to at least 3 weeks after the hearing on the motion to abstain, currently set for September 30, 2016.

DATED: Honolulu, Hawaii, September 6, 2016.

Respectfully submitted,

/s/Lars Peterson
LARS PETERSON
Attorney for Defendant
DWAYNE K. MENDOZA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF HAWAII

In re)	Case No. 13-01333
)	(Chapter 7)
DWAYNE K. & NILA T. MENDOZA,)	
)	
Debtors.)	
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)	Adversary Proceeding No. 16-90020
CAROLYN P. MENDOZA,)	
)	
Plaintiff,)	DECLARATION OF COUNSEL.
)	
vs.)	
)	
DWAYNE K. MENDOZA,)	
)	
Defendant.)	
)	
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DECLARATION OF LARS PETERSON

I, LARS PETERSON, hereby declare the following:

1. I am an attorney licensed to practice law before all of the State and Federal courts in the State of Hawaii.
2. I am one of the attorneys for the Defendant Dwayne K. Mendoza in the above-captioned case.

3. I make this declaration upon personal knowledge and belief and in support of Defendant's Motion to Continue Hearing of Plaintiff's Motion for Summary Judgment.

4. Defendant filed a Motion to Abstain in this matter that is currently set for hearing on September 30, 2016 and to which Plaintiff has filed a response.

5. Subsequently, Plaintiff filed a Motion for Summary Judgment (MSJ), which was also set for hearing on September 30, 2016.

6. This Honorable Court stated that matters like these should only be before the court if there are concerns about stay violations or dischargeability.

7. As Defendant has laid out in great detail in his Motion to Abstain, the Plaintiff has an enforceable, nondischargeable judgment against the Defendant.

8. The automatic stay is not at issue here.

9. As a consequence, and as explained in the Motion to Abstain, this matter is best handled in the Family Court of the First District of the State of Hawaii, where it has been litigated; and there are no bankruptcy related issues remaining.

10. Defendant's counsel has requested that Plaintiff's counsels stipulated to a continuance of the MSJ response deadline and hearing to a time sufficiently after the hearing on the Motion to Abstain, but Plaintiff's counsels have rejected this request. They only offered an extended deadline to respond to the MSJ, but did not agree to a continuance of the MSJ hearing.

11. Defendant simply cannot afford to continue this improper litigation; he already pays a significant amount of his retirement income to the Plaintiff and stands to lose his residence—so funds are simply not available. Yet, the Plaintiff attempts to get a second bite at the apple and—as previously admitted on several occasions—simply seeks a more convenient way and a second chance of enforcement.

12. It is respectfully submitted to this Honorable Court that a continuance of the MSJ hearing from September 30, 2016 to a date at least 3 weeks after the hearing on the Motion to Abstain is indicated to not further unduly burden the Defendant and to resolve this matter promptly and efficiently.

I, LARS PETERSON do declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawaii September 6, 2016.

/s/Lars Peterson _____
LARS PETERSON